

1 A That's true.

2 Q And again on page 90, if you'll read page 90 of your
3 deposition testimony.

4 A Um-hum.

5 JUDGE MILLER: You've read that? And those were the
6 questions you were asked and those are the answers you gave,
7 right?

8 WITNESS: Yes, sir.

9 BY MR. KRAVETZ:

10 Q And in there didn't you testify that you did not
11 discuss the existing business of WBBY at the time, prior to
12 the time he agreed to becoming a partner?

13 A The existing business at that time.

14 Q And doesn't it also say that you never discussed
15 with him the potential profitability of this station? And he
16 never asked?

17 A Not, not in detail we did not. I did not specify
18 figures. I told him he wouldn't get rich but he could make a
19 profit.

20 Q Well, can I read on page 90 into the record?

21 "Question: Are you saying then that he never asked any
22 questions concerning the potential profitability of the
23 station in the event that you were going to be the winner of
24 this station? Answer: No, he didn't." So just to confirm
25 your testimony today, let me ask you again what your testimony

1 is again today. When you met with Mr. Beauvais, after you
2 talked how much money, after you talked about how much money
3 you would need and the fact that you wanted to have 25 percent
4 equity, you didn't -- you did not discuss the profitability of
5 the station at that time?

6 A Not total figures, no.

7 JUDGE MILLER: But you've got to, you've got to talk
8 about specific -- She's distinguishing between specific
9 figures and, and a general conversation, Mr. Kravetz.

10 MR. KRAVETZ: Okay. Very well.

11 BY MR. KRAVETZ:

12 Q You -- So you may have said you thought it would be
13 a profitable station?

14 A Yes.

15 Q But you never discussed any kind of figures?

16 A No.

17 Q And you never discussed your salary?

18 A No, sir.

19 Q In fact, isn't it a fact that you said he would have
20 to put in this money and he said fine, and there was really no
21 discussion about how that money would be broken down or used?

22 A That's correct.

23 Q And isn't it also a fact that except for the 25
24 percent interest, at this meeting you never discussed the
25 terms of -- the specific terms of the shareholders agreement

1 that you both were going to be entering into?

2 A That's true.

3 Q Now, in this shareholders agreement with Mr.
4 Beauvais, and please feel free to look through it if you need
5 to, is there anything in the agreement that would bar Mr.
6 Beauvais from being an employee of the station?

7 A No, he couldn't be an employee of the station.

8 Q Pardon me?

9 A No, he couldn't be an employee of the station.

10 Q Where, where does it say that?

11 A It doesn't say that.

12 Q Okay, so it doesn't say that. Is there anything in
13 this agreement that would bar him from being an independent
14 contractor?

15 A It doesn't really say that, but I would have to hire
16 him and I don't think I would have.

17 Q But it, but it would be up to you?

18 A Yes.

19 Q There's no prohibition written in there about the
20 extent of his involvement?

21 A No.

22 Q Nothing would prevent him from being an agent?

23 A An agent?

24 Q An agent of the business, representing the business,
25 binding the corporation to anything.

1 A He's like my banker, my, you know --

2 Q Wait a minute. I'm asking you whether --

3 A No, there is nothing.

4 Q Is there anything in the agreement that bars him
5 from transacting any business in the name of the company?

6 A I don't think that he could do that.

7 Q Is there anything in the agreement that stops him
8 from doing that?

9 A No.

10 Q Is there anything in there that specifies that --
11 specifically says he won't do anything else besides make loans
12 to the company?

13 A That's all it says he would do.

14 Q Is there anything in this agreement that would bar
15 you from communicating with him about the day-to-day
16 operations of the business?

17 MR. KOERNER: Objection, Your Honor. I think he's
18 getting, you know, somewhat -- requiring the witness to draw
19 legal conclusions.

20 JUDGE MILLER: Well, these will all speak for
21 themselves.

22 MR. KRAVETZ: Well, I'm also asking about her
23 understanding.

24 JUDGE MILLER: Well, her understanding. The
25 agreement says what it says, Mr. Kravetz.

1 MR. KRAVETZ: Okay.

2 BY MR. KRAVETZ:

3 Q But whatever the agreement says and whatever it
4 allows him to do or doesn't allow him to do, this wasn't even
5 discussed with him at the time of the -- at the restaurant?

6 A No, it wasn't discussed. He's just my financial
7 backer, that is it.

8 Q But you never discussed whether he would or wouldn't
9 do anything else?

10 A He wouldn't do anything else.

11 Q Did you specifically discuss that?

12 A No, we did not.

13 Q Now, this shareholders agreement also provides you
14 with an option to buy him out.

15 A Yes.

16 Q After -- This is after, of course, he's put in
17 \$100,000 loan to the company.

18 A Um-hum.

19 Q Do you know how much it would cost for you to buy
20 him out if, for some reason, you decide that you don't want
21 him as your partner?

22 A It states there in the agreement before you.

23 Q Do you know -- Do you have any idea about what those
24 numbers are?

25 A It would depend on the times, at five times plus the

1 going rate, percentage.

2 Q Within the first year you'd have to, you'd have to
3 pay him five times his investment?

4 A Um-hum.

5 JUDGE MILLER: Is the answer yes?

6 WITNESS: Yes.

7 BY MR. KRAVETZ:

8 Q In the second year, you'd have to pay him six times
9 his investment?

10 A Yes.

11 Q In the third year, you'd have to pay him seven times
12 his investment? Is that correct?

13 A Yes.

14 Q So the first year you're talking about five times
15 his obligation is \$475,000, just in the first year, correct?

16 MR. KOERNER: Objection, Your Honor.

17 JUDGE MILLER: Sustained.

18 BY MR. KRAVETZ:

19 Q Okay. Would you have the liquid assets now to buy
20 him out if you wanted to?

21 A No. There's no reason to buy him out.

22 Q Do you have over \$50,000 in the bank, including
23 stock or money market certificates, certificates of deposit,
24 anything like that?

25 A No, sir, I don't.

1 Q Do you have over 25,000?

2 A No, sir, not at the present time.

3 Q Do you have over 10,000?

4 A Yes, I do, sir.

5 MR. KRAVETZ: Okay, Your Honor, I have no further
6 questions.

7 JUDGE MILLER: All right.

8 MR. KOERNER: Your Honor, would this be a good time
9 for the mid-morning break?

10 JUDGE MILLER: All right, let's take a, let's take a
11 10-minute recess.

12 (Whereupon, a brief recess was taken.)

13 JUDGE MILLER: On the record. Mr. Kravetz.

14 MR. KRAVETZ: Yes. Your Honor, I noted that I
15 identified Wilburn Exhibit 3, but I didn't -- which is the
16 shareholders agreement. I, I did not move it into evidence.

17 JUDGE MILLER: That is correct.

18 MR. KRAVETZ: And at this point I would respectfully
19 request that Wilburn Exhibit 3 be, be accepted into evidence.

20 JUDGE MILLER: Any objections, Mr. Koerner?

21 MR. KOERNER: No, Your Honor.

22 JUDGE MILLER: Wilburn Exhibit 3 is received.

23 (Whereupon, the document referred to
24 as Wilburn Exhibit No. 3 was received
25 into evidence.)

1 MR. KRAVETZ: I have no further questions, Your
2 Honor.

3 JUDGE MILLER: All right. Let's see, Mr. Alpert,
4 are you number two?

5 MR. ALPERT: Yes, I am, Your Honor.

6 JUDGE MILLER: Proceed.

7 MR. ALPERT: It falls to me. Just one second, Your
8 Honor.

9 CROSS EXAMINATION

10 BY MR. ALPERT:

11 Q Just a couple of points of clarification now,
12 Ms. Frizzell. First of all, I believe you just testified a
13 few moments ago that there is a provision in the shareholders
14 agreement whereby you can buy out Mr. Beauvais. Is that
15 correct?

16 A Yes.

17 Q And it's a never-increasing multiplier of what his
18 initial investment is. Is that correct?

19 A Yes.

20 Q Now, those were provisions that you proposed to him
21 or that you presented to him in a document which contained
22 those provisions. Is that correct?

23 MR. KRAVETZ: Objection. A mischaracterization of
24 the testimony as far as whether she proposes or whether they
25 were --

1 JUDGE MILLER: Sustained.

2 BY MR. ALPERT:

3 Q Okay. They were in a document that you presented to
4 him. Is that correct?

5 A Yes, sir.

6 Q Okay. Are those provisions which are advantageous
7 to you as a stockholder in the corporation?

8 MR. KOERNER: Objection, Your Honor. It calls for
9 speculation.

10 JUDGE MILLER: Sustained. Sustained.

11 BY MR. ALPERT:

12 Q Are those the same provisions that are contained in
13 the previous draft of the document that was presented to
14 Mr. Beauvais, the exact provisions?

15 A This is the same.

16 Q Okay, the same --

17 A Um-hum.

18 Q Yes?

19 A Yes. Excuse me.

20 JUDGE MILLER: Gentlemen, it may benefit this record
21 to have that previous, to have that previous agreement in
22 evidence.

23 MR. ALPERT: Well, Your Honor, it has not been
24 produced in discovery. I do not have a copy to introduce into
25 the record, unfortunately.

1 MR. KRAVETZ: Your Honor, I'd be pleased to request
2 that it be produced at this point or as soon as counsel can do
3 so.

4 MR. KOERNER: Your Honor, that, that agreement --
5 There was testimony at the deposition session concerning it
6 and, as I -- according to my recollection at least, neither of
7 the counsel present for the depositions asked for a copy.
8 From a previous Commission proceeding it had -- it may even be
9 in the record there.

10 MR. KRAVETZ: Your Honor, at the deposition, as I
11 recall the testimony, there was no distinction between the two
12 documents except for the name, and there is no reason to have
13 it at this point. The testimony --

14 JUDGE MILLER: But that's exactly the point. That's
15 exactly the point. And it'll save us an awful lot of time if
16 you had both of those in there and, and everybody can see for
17 themselves that there's no distinction between them. I think
18 that's -- I think it would add to her testimony. But, all
19 right, proceed. I'm not going to, I'm not going to require it
20 to be presented. Proceed, Mr. Alpert.

21 MR. ALPERT: Thank you, Your Honor.

22 BY MR. ALPERT:

23 Q Now, you say that in the previous document it
24 contains cost figures for what Mr. Beauvais would be providing
25 for in the -- Is that correct?

1 A The previous docket -- document -- See, I'm -- Could
2 you answer -- ask that again, please?

3 Q Okay. There's a provision in this shareholders
4 agreement whereby he agrees to provide certain amounts of
5 money for the construction and initial operation of the
6 station. Is that correct?

7 A Correct.

8 Q And that sum is what?

9 A The total?

10 Q For the construction and operation of the station.

11 A The operation -- After the permit is granted, he
12 would loan 100,000.

13 Q And that is the money, the fees for the construction
14 and operation of the station. Is that correct?

15 A Yes.

16 Q Okay. Now, you're saying that that's the same
17 figure that was the same in the previous document. Is that
18 correct?

19 A Um-hum. Yes.

20 Q Yes?

21 A Yes.

22 Q And you're saying that you decided that the same
23 figure could be used from the previous document for this
24 particular application. Is that correct?

25 A Yes.

1 Q Now, in the previous application, to your knowledge,
2 were they proposing to lease an existing facility or were they
3 proposing to build a new facility?

4 A I'm not sure. I don't know.

5 Q You have no knowledge of that? Do you have any
6 knowledge of whether in that --

7 MR. KRAVETZ: Excuse me. She shook her head and I
8 request that the witness --

9 WITNESS: I said no. I'm sorry.

10 JUDGE MILLER: You've got to speak.

11 WITNESS: No.

12 MR. KRAVETZ: Thank you.

13 WITNESS: I don't know.

14 BY MR. ALPERT:

15 Q You have no knowledge. Is that correct?

16 A That's correct.

17 Q Okay. Do you have any knowledge of whether in that
18 other application that Ms. Adams had been involved in from
19 which you got this document, whether that application involved
20 a proposal for auxiliary power?

21 A I don't know.

22 Q Do you know if in that other application, which is
23 the document -- and which you received from Joann Adams,
24 whether her application had the necessity to buy a directional
25 antenna?

1 A I don't know.

2 Q You do not know?

3 A No, sir, I don't know.

4 Q Okay.

5 MR. ALPERT: I'd like to present a document, place a
6 document before the witness.

7 JUDGE MILLER: All right.

8 MR. ALPERT: I'd like to have this identified for
9 the record as Davis Exhibit Number 3. I've placed -- I'm
10 giving one copy to counsel, one copy to Your Honor, a copy for
11 the witness, and I'm giving two copies to the court reporter
12 and copies to the other counsel that are attending.

13 JUDGE MILLER: All right. The document bearing the
14 title "Code of Regulations of ASF Broadcasting Corporation"
15 and consisting of I guess 13 numbered pages and 3 attachments,
16 3 pages of attachments, will be marked for identification as
17 Shellee Davis Exhibit Number 3.

18 MR. ALPERT: Thank you, Your Honor.

19 (Whereupon, the document referred to
20 as Davis Exhibit Number 3 was marked
21 for identification.)

22 BY MR. ALPERT:

23 Q Okay, Ms. Frizzell, now, the first 13 pages of this
24 document are the Code of Regulations of ASF Broadcasting
25 Corporation. Is that correct?

1 A Yes, that's correct.

2 Q Okay. And following that is the Record of
3 Proceedings of the Incorporator of ASF Broadcasting
4 Corporation?

5 A Yes.

6 Q And that, that consists of two pages. Is that
7 correct?

8 A Yes.

9 Q Then, finally, the last page is the Unanimous
10 Written Action of Shareholders?

11 A Yes.

12 Q And in the last document, the Unanimous Written
13 Action of Shareholders, you adopted the Code of Regulations as
14 ratified by the corporation. Is that correct?

15 A Yes.

16 Q And are these indeed the Code of Regulations of ASF
17 Broadcasting Corporation?

18 A Yes.

19 Q Approximately when did you -- strike that. Now, the
20 last page of the document, the Unanimous Written Action of
21 Shareholders, is dated the 23rd day of December 1991. Is that
22 correct?

23 A Yes.

24 Q Is that the day on which you signed that document?

25 A Yes.

1 Q And that's the date on which you adopted the Code of
2 Regulations of ASF Broadcasting Corporation?

3 A Yes.

4 Q Okay. Could you turn -- Well, strike that. Section
5 1 of the -- Article II, Section 1, of the Code of Regulations
6 states that an annual meeting of the shareholders shall be
7 held on the second Tuesday of March at 11:00 a.m. in each year
8 if it not a legal holiday. Then if it is a legal holiday,
9 then on the next business day following. Is that correct?

10 A Yes.

11 Q Have annual meetings been held of the shareholders?

12 A Yes.

13 Q Who was in attendance at that meeting?

14 A I was.

15 Q Was anyone else in attendance at that meeting?

16 A No, sir.

17 Q Now, Section 4 of that Article II, at the very
18 bottom of the page, says that no-voting shareholders shall be
19 entitled to receive all notices sent to any shareholder and
20 attend any annual meetings or special meetings, but receipt of
21 such notice and attendance thereafter conveys no voting right
22 to shareholders. Is that correct?

23 A That's correct.

24 Q All right. Now, the no-voting shareholders, is that
25 supposed to be a reference to nonvoting shareholders?

1 A Yes, sir.

2 Q Okay. Was Mr. Beauvais given notice of the meeting?

3 A No, sir.

4 Q And why was he not given notice of the meeting?

5 A I didn't do it. I just didn't -- At that point in
6 time, nothing had, had happened and so I didn't ask him.

7 Q Do you feel that you -- that these Code of
8 Regulations are discretionary and not binding upon you?

9 A On page 13 --

10 Q No, would you answer my question, please, ma'am?

11 A I did not ask him.

12 Q Okay. No, that's not my question. I believe my
13 question was do you feel that these Code of Regulations are
14 not mandatory, are not binding up you, that they're only
15 discretionary, you can decide when to violate them and when to
16 obey them?

17 A No. I, I didn't ask him and they're --

18 Q That's not my question, ma'am.

19 UNIDENTIFIED SPEAKER: Your Honor --

20 JUDGE MILLER: Objection sustained. Don't badger.

21 MR. ALPERT: I'm sorry, Your Honor.

22 JUDGE MILLER: I hope you are. I hope you're really
23 sorry. Proceed.

24 MR. ALPERT: Thank you.

25 JUDGE MILLER: Now, you know and I know what we're

1 | dealing with here. You can take up literally a day doing
2 | this, but it's nonsense, and you know it and I know it,
3 | Mr. Alpert. You know what happens. Some lawyer draws this
4 | thing up, hands it to them and they say okay, this is the Code
5 | of Regulations. Now to, to get the witness to say well, you
6 | realize what that meant? Did you realize -- You know the
7 | answer before you ask the questions.

8 | MR. ALPERT: Well --

9 | JUDGE MILLER: Proceed.

10 | MR. ALPERT: I know the answer. I'm just trying --
11 | want to make sure the record is --

12 | JUDGE MILLER: All right, but, but it's nonsense.
13 | It doesn't move the record forward one bit. Proceed.

14 | BY MR. ALPERT:

15 | Q Let me ask, ask the question maybe one more time,
16 | and I apologize -- anybody -- In your view, are you permitted
17 | to deviate from the Code of Regulations when you feel the need
18 | to?

19 | A On page 13 -- the shareholders agreement prevails.
20 | I was going by the shareholders agreement and, to be honest, I
21 | did read these Code of Regulations. To tell you the truth, do
22 | I understand every line? No. And I do by -- I did not ask
23 | him.

24 | Q Okay. Now, you refer to the shareholders agreement
25 | and page 13 of this agreement. Are you -- Is it your

1 understanding that the shareholders agreement states that he
2 is not, he is not allowed to attend meetings?

3 MR. KOERNER: Objection, Your Honor. It calls for a
4 legal conclusion.

5 JUDGE MILLER: Sustained.

6 BY MR. ALPERT:

7 Q Okay, Ms. Frizzell, in your, in your written
8 testimony, you state -

9 JUDGE MILLER: Let me, let me ask a question at this
10 stage. Article X, why doesn't that read 75 percent? Line 3
11 and line, line 6. Should it read 75 percent?

12 WITNESS: This says voting power. He has no voting
13 power.

14 JUDGE MILLER: Well, why is, why is -- what is, what
15 is, what is magical about 80 percent? Could you tell me that?

16 WITNESS: Honest, sir, no, I cannot.

17 JUDGE MILLER: I'll ask you another question. Were
18 these, were, were these articles taken from some other set of
19 articles used in some other instance?

20 WITNESS: I believe the attorney drew these articles
21 up and it's legal, I read it, but to understand all of it, no,
22 I don't. And I don't understand the 80 percent, to be honest.

23 JUDGE MILLER: Proceed, Mr. Alpert.

24 BY MR. ALPERT:

25 Q Okay, Ms. Frizzell, in Exhibit 3 of your --

1 MR. ALPERT: Oh, Your Honor, before I do that, can I
2 move into evidence Davis Exhibit Number 3?

3 JUDGE MILLER: Davis Exhibit Number 3, any
4 objections, Mr. Koerner?

5 MR. KOERNER: No, Your Honor.

6 JUDGE MILLER: Davis Exhibit Number 3 is received.

7 MR. ALPERT: Thank you, Your Honor.

8 (Whereupon, the document referred to
9 as Davis Exhibit No. 3 was received
10 into evidence.)

11 BY MR. ALPERT:

12 Q Do you have your written testimony before you?

13 A The deposition?

14 Q No, your written testimony. Your testimony in this
15 proceeding?

16 MR. KOERNER: The hearing exhibits.

17 WITNESS: Oh, yes. Okay.

18 BY MR. ALPERT:

19 Q Could you turn to Exhibit Number 3, page 2? Now, at
20 the bottom of page 2 you state that you, that you have engaged
21 in civic activities and in one of those activities you helped
22 raise funds for TV Discovery, playgrounds, and for Children's
23 Hospital. Is that correct?

24 A Yes, I was involved in that.

25 Q Okay. Isn't it true that all you did with respect

1 to the TV Discovery Playground was to talk to the people for
2 the organization, and the project was carried out by the
3 public service director of the station WBBY at which you were
4 employed?

5 A The public service director was involved. It's a
6 very small station and we all work very close together. I was
7 general manager and I talked with the people, and then I sat
8 down with the public service director and we mapped it out.
9 We all work very closely together. It's not like a big
10 station. We all work on the promotions, we all go to the
11 promotions. And yes, I had my public service director work
12 along with it.

13 Q Okay. Wasn't it true, though, Ms. Frizzell, that
14 you stated that -- The question was asked, "Let me ask you
15 again a question. Let me ask you again what was the nature of
16 your personal involvement in helping to raise funds for the TV
17 Discovery Playground?" After some colloquy, you gave the
18 answer, "The Witness: Okay, I talked to the people, the
19 people from Discovery. I talked to them. I talked to the
20 public service director and seen what she needed to do to
21 finish implementing this. That's all I did, that's all I
22 did." Is that -- Was that your testimony at your deposition
23 of this proceeding on July 13th, 1993?

24 A I must yes, I did say that after I was under -- You
25 really stressed me out at that point.

1 JUDGE MILLER: Well, was that the question you were
2 asked and is that the answer you gave?

3 WITNESS: Yes.

4 JUDGE MILLER: And you've had a chance since then to
5 read the --

6 WITNESS: Yes.

7 JUDGE MILLER: -- thing and you've had a chance to
8 make corrections. You didn't make any corrections. Is that,
9 is that where we stand?

10 WITNESS: Yes, that was --

11 JUDGE MILLER: Proceed.

12 WITNESS: -- my answer.

13 JUDGE MILLER: Proceed.

14 BY MR. ALPERT:

15 Q Okay. Now, the case of the -- I believe you state
16 here that you also helped raise funds for the Children's
17 Hospital. Is that correct?

18 A Yes, we did.

19 Q And I believe I asked you the question at your
20 deposition, "Now, in the case of the Children's Hospital, what
21 did you personally do to help raise funds for the Children's
22 Hospital?" And your answer was, "Answer: The same thing."
23 Is that -- Was that the question I asked you and is that the
24 answer that you gave at the deposition?

25 A That was the answer I gave at the deposition.

1 Q And that has not been changed or corrected in any
2 subsequent errata or filing with regard to this deposition.
3 Is that correct?

4 A That is correct.

5 Q And does that, does this correctly reflect your --
6 the nature of your involvement in those activities?

7 A No, it does not.

8 Q Is there any reason why you did not correct it --
9 correct the deposition when given the opportunity to do so?

10 A I didn't think you could change what you had already
11 said. I said it.

12 MR. ALPERT: I think I have no further questions,
13 Your Honor.

14 JUDGE MILLER: All right. Mr. Yelverton?

15 MR. YELVERTON: Yes, Your Honor, I have some
16 questions.

17 CROSS EXAMINATION

18 BY MR. YELVERTON:

19 Q Ms. Frizzell, I'm Stephen Yelverton. I represent
20 Ohio Radio Associates, Incorporated. I'd like to turn your
21 attention to what's been identified and received into evidence
22 as Wilburn Exhibit 3, which has the caption "Shareholders
23 Agreement." Do you have that before you?

24 A Yes, sir.

25 Q Would you turn to the last page of that document,

1 | which is page 7, and it has your signature on it and also that
2 | of Mr. Beauvais? Do you see that?

3 | A Yes, sir.

4 | Q If you notice, at least this particular document, I
5 | don't about the original, the first six pages do not have any
6 | type of facsimile transmission data at the top, but page 7
7 | does have printed at the top facsimile transmission data which
8 | indicates this page was transmitted by facsimile on, I believe
9 | that's May 7th, 1993. Or it could be a 6, which would be June
10 | '93. And could you tell us when you actually signed the
11 | original of what's page 7?

12 | A The 23rd of December.

13 | JUDGE MILLER: Nineteen?

14 | WITNESS: '91.

15 | JUDGE MILLER: Okay.

16 | BY MR. YELVERTON:

17 | Q Okay, just for the record, so that there's no
18 | confusion, do you know why this particular copy has a
19 | facsimile for the signature page and the others not? And I
20 | believe this document came from documents produced by ASF,
21 | even though this was introduced into evidence by another
22 | party.

23 | A I believe it was for Mr. Koerner, that he didn't
24 | have a copy with Mr. Beauvais's signature on it. And since
25 | Mr. Beauvais lives in Michigan and I live in Ohio, it was

1 faxed to him to sign for Mr. Koerner.

2 Q Do you know when Mr. Beauvais signed the original of
3 this document?

4 A The 23rd of December. It was -- Well, it was Fed
5 Ex'ed to him from the attorney's office in Columbus to be
6 signed.

7 Q I'd like to turn your attention to another area, and
8 this goes back to the period of time you decided to initially
9 file for the Westerville frequency. You've given previous
10 testimony, previously testified about that, contacting Joann
11 Adams and then Mr. Beauvais. But I'd like to ask you
12 questions as to matters preceding that. At what point in time
13 did you first conceive or think about the idea of filing for
14 the Westerville frequency?

15 A I believe I found out about the closure of BBY the
16 end of November of '91. And all of the employees and the
17 listeners, we were all trying to do something to keep the jobs
18 and the station alive, and I called the FCC and talked to
19 someone here about running it in the interim so the employees
20 could keep their jobs, so we wouldn't have to go off the air.
21 And I think it was Mr. Miller of the FCC said no --

22 JUDGE MILLER: Who? Not Walter, not Walter Miller?

23 WITNESS: It was Mr. -- it was Larry Miller.

24 JUDGE MILLER: Larry Miller.

25 WITNESS: Larry Miller.

1 JUDGE MILLER: Let the record reflect that she's not
2 talking about the judge. Go ahead.

3 WITNESS: Anyway, they said that it wasn't going to
4 -- we couldn't have the interim run it, that the FCC wasn't
5 going to allow it. So I went back to the employees and told
6 them and then we talked and people were crying. It was just
7 really emotional at that point in time. So I said okay, let
8 me see if I can just get the license, let me find out how I
9 can do that maybe, 'cause I didn't have a lot of money on my
10 own. So that's when I talked to Joann and she told me about
11 Mr. Beauvais. And so I called him and asked him if he could
12 help us out.

13 BY MR. YELVERTON:

14 Q Well, how did it come about that you decided that
15 you were going to take on this burden of putting the station
16 back on the air as opposed to some other employee at the
17 station? Why you and not Joe Smith?

18 A Because I was the general manager at that time and
19 everyone was looking to me to try to save their jobs, and the
20 listeners were calling in and they wanted to give money.
21 Everybody wanted to just give money to help get it. And I
22 guess I'm a softy and I said let me try, I'll do everything in
23 my power to get it. And that's what I'm doing.

24 Q Did, did somebody put the idea in your head, suggest
25 to you, well, Ms. Frizzell, why don't you apply?